REMARKS

Applicant hereby responds to the Office Action of April 16, 2008. Applicant wishes to thank the Examiner for carefully considering the application.

Status of Claims

Claims 1, 4-14, 17-27, and 30-45 are pending in the above-referenced patent application. Claims 1, 14, 27, and 41 are independent. The remaining claims depend, directly or indirectly, from claims 1, 14, 27, and 41.

Claims 1, 4-14, 17-27 and 30-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,133,847 issued to Yang ("Yang") in view of U.S. Publication No. 2006/0200253 for Hoffberg ("Hoffberg").

Claim Amendments

Claims 1, 14, 27 and 41 have been amended for clarification purposes. New claim 45 is added. No new matter has been added by way of these amendments. Accordingly, entry and favorable consideration of the amendments are respectfully requested.

Rejections under 35 U.S.C. 103

Rejection of claims 1, 4-14, 17-27 and 30-44 under 35 U.S.C. 103 as being unpatentable over Yang in view of Hoffberg is respectfully traversed because for at least the following reasons, Yang and Hoffberg, whether considered individually or in combination, fail to disclose

the claimed invention.

According to MPEP §2142

> [t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that 'rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.' *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at __, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP §2143, "[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1395-1397 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham*." And, according to MPEP §2143.01, [o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Further, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007). Additionally, according to MPEP §2143

> [a] statement that modification of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at

> the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Pat. App. & Inter. 1993).

The claimed invention is directed to a network including a user interface for controlling application devices in the network. Independent claims 1, 14, 27, and 41 each require, in part, that: "in response to selection of a reference associated with a device from the user interface, using the selected reference for communicating over the network to *directly* access information for the selected device and dynamically generating a web-based control page for display on a browser for user interaction with the selected device via the web-based control page,"

> (a) obtaining device description information *directly* from the one or more devices;(b) dynamically generating a webpage-based user interface utilizing the *directly* obtained device description information, the webpage-based user interface including one or more references associated with the information in one or more of said devices; ... and (d) in response to selection of a reference associated with a device from the webpage-based user interface via a browser, using the reference to access the selected device and *directly* access the information in the selected device to display a dynamically-generated control interface using the *directly* accessed information of the selected device for user interaction with the selected device,

> (a) obtaining device information for devices currently connected to the network *directly from the devices*; (b) dynamically generating a webpage-based user interface based at least on the *directly* obtained device information, the user interface including one or more references associated with the information in one or more of said devices-currently connected to the network; ... and (d) in response to selection of a reference associated with a device from the webpage-based user interface, using the selected reference for accessing information for the device *directly from the device* to display a webpage-based control interface on a web browser using the accessed information of the selected device for user interaction with the selected device,

> (a) obtaining a first set of device information *directly* from the application devices; (b) dynamically generating a webpage-based user interface based at least on the *directly* obtained first set of device information, the webpage-based user interface including one or more references associated with a second set of device information *directly stored* in one or more of said application devices;... and (d) in response to selection of a reference from the webpage-based user interface associated with an application device, displaying a control page on the web browser by accessing the selected application device over the network and accessing the second set of device information of said selected application device *directly from said selected application device*.

As a result of the above-mentioned limitations, advantageously, whenever information of a device is changed in the network of the claimed invention, the user interface is dynamically changed in real time based on the information directly obtained from the device. For example, as shown in Fig. 6 of the present application, whenever the "Sony device" in the network is replaced with, for example, a Samsung device, the top page is generated dynamically to display an icon for the Samsung device instead of the Sony device based on the information directly obtained from the Sony device.

By contrast, Yang, Hoffberg, either separately or combined, fail to disclose at least the above-mentioned claimed limitations, and does not enjoy the advantages of the claimed invention. That is, neither Yang, Hoffberg, or even a resulting combination teach, disclose or suggest *directly obtaining* information from a device, itself.

Referring to Fig. 1 and the associated text of Yang, the system of Yang requires that essentially all the information, *i.e.*, the "programming software code," from the appliances is

downloaded to the memory 120 of the remote control device 100 *beforehand*. Unlike the claimed invention, there is no need for the remote control device 100 in Yang to further "access" the information in the appliances. In other words, in the system of Yang, *all* the information of the appliances is downloaded *beforehand* as a *single set* of information, and such a single set of information is *stored in the remote itself*. Specifically, in Yang when the remote 100 accesses the memory 120, the *same* set of information is accessed in the memory 120.

Thus, the "downloading" of information to the memory in Yang is not the same as the *directly obtaining* information from the device, the "accessing" memory of Yang is not the same as the claimed *directly accessing* the associated information stored in the corresponding device, and the downloaded information in Yang is not equivalent to the claimed directly obtained information.

Thus, the purported user interface in Yang is *static*. For example, referring to Fig. 3A of Yang, where a generic "VCR" icon 142 is shown. Had the actual VCR device in the network of Yang been replaced, for example, with a newer or different brand VCR, the icon "VCR" 142 would have remained the same.

To summarize, the claimed invention is distinctly different from Yang in view of Hoffberg in at least (1) the claimed invention provides a "dynamically-generated" user interface and/or control page while the purported user interface of Yang is static; (2) the user interface of the claimed invention does not require all accessible information from the devices to generate the

user interface, while the system of Yang requires that all information be downloaded beforehand; and (3) the user interface of the claimed invention provides a direct access to devices including information directly contained in the devices while the controller of Yang only accesses cached information stored in the memory of the controller itself.

In view of the above, Yang in view of Hoffberg fails to disclose all of the claimed limitations of independent claims 1, 14, 27, and 41 of the present application. Further, the assertions made in the Office Action on pages 3-8 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. Additionally, since Yang in view of Hoffberg fail to teach, disclose or suggest all the limitations of Applicant's claims 1, 14, 27 and 41, as listed above, Applicant's claims 1, 14, 27 and 41 are not obvious over Yang in view of Hoffberg since a *prima facie* case of obviousness has not been met under MPEP §2142. Thus, claims 1, 14, 27 and 41 of the present application are patentable over Yang in view of Hoffberg for at least the reasons set forth above. Dependent claims are allowable for at least the same reasons.

Additionally, new claim 45 recites "wherein the web-based control page is generated by receiving the information for the selected device directly from the selected device." Neither Yang, Hoffberg, or even a resulting combination teach, disclose or suggest *directly obtaining* information from a device, itself.

Accordingly, withdrawal of the rejection of claims 1, 4-14, 17-27 and 30-44 is

respectfully requested.

CONCLUSION

For these and other reasons, Applicants respectfully request that the rejections of the claims be withdrawn, and the claims be allowed for at least the aforementioned reasons. If it is believed that a telephone interview will help further the prosecution of this case, Applicants respectfully request that the undersigned attorney be contacted at the listed telephone number.

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Respectfully submitted,

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